

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re: :
GRAHAM CHASE ROBINSON, : Docket #1:19-cv-09156-
 : LJL-KHP
 :
Plaintiff, :
 :
- against - :
 :
ROBERT DE NIRO, et al, : New York, New York
 : April 21, 2022
 :
Defendants. :
 :
----- : DISCOVERY CONFERENCE

PROCEEDINGS BEFORE
THE HONORABLE JUDGE KATHERINE H. PARKER,
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For Plaintiff: SANFORD HEISLER SHARP, LLP
BY: KATE MACMULLIN, ESQ.
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<u>Witness</u>	<u>Direct</u>	<u>Cross</u>	<u>Re- Direct</u>	<u>Re- Cross</u>
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None

E X H I B I T S

<u>Exhibit Number</u>	<u>Description</u>	<u>ID</u>	<u>In</u>	<u>Voir Dire</u>
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THE CLERK: Calling case 19cv9156, Robinson versus
De Niro.

Beginning with counsel for the plaintiff, please
make your appearance for the record?

MS. ALEXANDRA HARWIN: I'm Alexandra Harwin from
Sanford Heisler Sharp on behalf of plaintiff, Graham Chase
Robinson.

HONORABLE KATHARINE H. PARKER (THE COURT): Good
morning.

MS. KATE MACMULLIN: Kate MacMullin from Sanford
Heisler Sharp, also --

MR. DAVID SANFORD: (via telephone) This is David
Sanford by phone, Your Honor, good morning, counsel for
the plaintiff.

THE COURT: Good morning. And I'm going to ask
counsel that are present in the courtroom to speak
into the microphone because otherwise Mr. Sanford is
not going to be able to hear it. So go ahead, Ms.
MacMullin.

MS. MACMULLIN: Sure, this is Kate MacMullin
from Sanford Heisler Sharp on behalf of plaintiff,
Graham Chase Robinson.

THE COURT: Thank you.

THE CLERK: And counsel for the defendants, please

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2 make your appearance for the record.

3 MR. LAURENT S. DROGIN: For defendant Canal
4 Productions, Laurent Drogin from Tarter Krinsky & Drogin.

5 MS. BRITTANY K. LAZZARO: Brittany Lazzaro from
6 Tarter Krinsky & Drogin for defendant Canal Productions.

7 MR. GREGORY BENNETT: Gregory Bennett for
8 defendants, Traub Lieberman Straus & Shrewsbury, good
9 morning.

10 THE COURT: Good morning, everyone, nice to see
11 everybody in person finally. There are a number of
12 discovery issues. You started out this case with not many
13 issues and now you've just accelerated into a flurry of
14 issues. So there's, there's some pending motions. First I'm
15 going to take the, what I think may be the easiest one
16 which is the motion to compel compliance with the ESI
17 order. As I understand from plaintiff's counsel, they're
18 working to rectify the metadata snafu, what's the story
19 with that?

20 MS. HARWIN: That's correct, Your Honor. So
21 after defendants raised a concern about the metadata
22 we were in frequent communication with our ESI vendor
23 to try to investigate and rectify the issue. They
24 brought in additional personnel and identified that it
25 is a software issue that was causing this problem,

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they're working to correct that and are contemplating being in a position to make a supplemental production of metadata that we hope will be complete next week.

THE COURT: Okay, so next week. And that should provide the date when these recordings were --

MS. HARWIN: That's what we understand.

THE COURT: (continuing) -- made. Okay. All right, that's, I'm glad that will be cleared up. Okay, so I don't think there is anything more for me to do on that, there's no need for further motion practice and I'm going to assume that this issue is resolved unless I hear otherwise.

Next, let's talk about the request for more time to depose Mr. De Niro. I've read through the letters and also through the deposition transcript, so I'm not sure why four hours is necessary, can you enlighten me on that?

MS. HARWIN: Yes, and Mr. Sanford who is on the phone is going to address that.

THE COURT: Okay.

MR. SANFORD: Yes, Your Honor, good morning again. Yeah, this is a complex case that involves many disputed facts that go back over approximately one decade. And a lot of the case hinges on

communications between Mr. De Niro and Ms. Robinson. During Mr. De Niro's deposition, plaintiff was not able to complete questioning concerning Canal's fraud claim, Mr. De Niro's communication with the Manhattan D.A.'s office, Mr. De Niro's communications with the media concerning the litigation, Canal's more favorable treatment of employees who did not engage in protected activity, the financial oversight provided by Canal's accountants, and plaintiff's pay comparators. So there are a lot of issues left.

I mean the case has, you know, eleven legal claims, seven causes of action brought under the New York City Human Rights Law, and the New York Labor Law and the Fair Labor Standards Act, and in light of all of what remain, we proposed initially five and then suggested four would be sufficient. I had two conversations with opposing counsel and they offered one and they said maybe they could do two, and that's kind of where we left it after two sessions of a meet and confer.

In addition to that, Your Honor, there are a number of instances which we cite and the Court has reviewed concerning the directions not to answer. I think the rules are pretty clear, Rule 30(c)(2) states that objections at the time of a deposition must be

noted on the record with testimony preceding subject to any objections, and an attorney may instruct the deponent not to answer only when one of three things is true, either to preserve a privilege, to enforce a limitation ordered by the Court or to present a motion under Rule 30(d)(3). And that didn't happen here.

As an initial matter, opposing counsel did not abide by the rules, did not properly instruct his client not to answer, there was no applicable privilege asserted and there was no limitation ordered by this Court. And, importantly, there was no motion to terminate or limit the scope of the deposition as the deposition as envisioned by the Federal Rules.

Opposing counsel could have and should have done three things. He should have and could have directed his client not to answer, he could have ended the deposition, and he could have called the Court for a ruling. And it is clearly the burden of the moving party to seek a protective order under those circumstances and that didn't happen here.

So in light of the numerous instances of directing his client not to answer which, themselves, were improper, and then Mr. De Niro, himself, refusing to answer questions on his own apart from the

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2 directions, we respectfully ask that the Court allow
3 us more time to conduct the remaining portions of the
4 deposition which are really critical to our case and
5 our defenses, as well as to instruct opposing counsel
6 to, you know, confer with his client and mandate that
7 the client order -- answer the questions that been
8 posed.

9 THE COURT: Okay, I'll hear from defendant.

10 MR. DROGIN: Your Honor, a complex --

11 THE COURT: If you could just speak into the
12 microphone, I want to make sure that -- yes, thank
13 you.

14 MR. DROGIN: As complex as the case may or may
15 not be, the Court is well aware of how the defendants
16 were required to depose the plaintiff. There are claims
17 here, counterclaims here, there are two sets of law firms.
18 The Court is familiar with its own decision on how we had to
19 pretty much fight tooth and nail to get additional time
20 where the Court pointed out that there were some issues in
21 how both sides behaved during the deposition.

22 I come back to your initial question as to why
23 can't this, or I guess it's my question really, why
24 can't this be done in one hour. As we say in our
25 letter to the Court, they chose the topics, they chose

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the order. They chose to go off the record and stop the clock. They had nine hours over two days. we did direct Mr. De Niro not to answer a handful of questions and the Court is now familiar with the subject area of those questions. We felt they were proper directions at the time which is why we did it, we didn't do it lightly and, in fact, as the transcript shows, we gave a tremendous amount of leeway before stepping in to develop the record so that if the transcript was presented to the Court you could see when, in fact, we pulled the trigger and that we, and that we used sound discretion. And, in fact, we had alerted chambers that the depositions were taking place, we had offered on the record to call the Court for a ruling and plaintiff's counsel declined. I cannot believe that we get hung up here on the fact that we didn't either cancel the deposition or interrupt the deposition to place a call. If counsel was upset with the fact that we were directing the witness not to answer these questions, all he had to say was, fine, let's call the Court but, you know, he chose not to.

As far as Mr. De Niro's refusal to answer certain questions, again, as we say in the letter,

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maybe he should have answered them. In many cases he was told to answer and he did, there are a certain number of questions that he refused to answer. He can answer them, if the, you know, the Court directs him to answer them they will. There's probably fewer than ten instances where that happened, it shouldn't take more than ten minutes to get the answers to those questions, putting aside whether, not even addressing whether they're relevant or probative, if anything just, again, for the sake of not arguing, if you want him to answer the questions, you know, then he will.

The Court is very familiar that this, with this case, it's a contentious litigation, there are a lot of strong feelings and emotions on both sides. He, Mr. De Niro has now literally sat and been deposed in the room for 9 hours with an efficiency of 6 hours and 22 minutes, there's 38 minutes left, I'm not going to stand on ceremony and say that there is no leeway there, we think that an hour is plenty of time to complete the deposition.

THE COURT: What areas do you, does defendant think remain that are relevant? Mr. Sanford identified a couple, for example, financial oversight and treatment of other employees.

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MR. DROGIN: Well he was free to ask those questions and some of that was gone into at the deposition. I'm not quite sure what he means by financial oversight, but treatment of other employees, many other employees have already testified. You can see from the transcript that rather than asking questions about how he behaved towards other employees, male or female, the questions were, you know, instead redirected into other areas. So, again, I come back to if he squandered the time asking whether Mr. De Niro owned, you know, planes, helicopters or boats, or he wanted to know about allegations that may have been made in a foreign country, you know, years ago or anything of the like, that was his choice. You know, you get to choose the order in which you ask your questions and you shouldn't assume that you can leave the most important stuff for the tail end. So, you know, my view is he should have an hour and I don't understand why he would need more.

THE COURT: Okay. So having taken a look at the transcript, again, I think both sides engaged in improper behavior. There clearly were questions that were not relevant, and a lot of times repeat questions on the same areas, that's not proper. Both sides have

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an obligation under Rule 1 to try to be efficient and under Rule 26 the topics explored in depositions should be relevant and proportional to the needs of the case. At the same time, there were times when arguably defense counsel should have controlled their client a little bit more and tried to, tried to facilitate getting through some of the areas. Or you could have, as Mr. Sanford said, simply called the Court to the extent that you felt certain questions about his personal life were improper or harassing. Those questions, I don't see how they're relevant actually to this case and you very well could have gotten a protective order on those questions. I'm not going to permit any more questioning on those areas.

Based on what plaintiff has said is remaining, I don't think more than two hours is necessary. It does not take long to get the answer to who, who was responsible for overseeing the expense reports, who was responsible for checking the Sky Miles account, did you do that, who did that, what was done about that, these are easy questions. Similarly, if there are specific individuals, at this point in discovery plaintiff's counsel certainly knows if there's other employees who they feel were treated more favorably,

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you can ask those questions. But just as I told defense counsel, you have to be judicious with the questions, you have to be strategic with the questions. So I'm going to allow two more hours and that's it.

I also am going to warn defense counsel that the objections need to be limited to, directions not to answer need to be limited to areas of privilege. And I've already said I'm not going to permit any more questions into marital issues, family issues, health issues, alcohol issues. The deponent's emotions at a particular time. This is not, this is neither here nor there, at the bottom line for this case. So those questions are off, are off, there's been enough of those questions. So I'll allow the plaintiff two more questions -- two more hours to complete and you, I'm going to advise you to focus on what's really needed for the claims.

Okay --

MR. SANFORD: Thank you, Your Honor.

THE COURT: So let's talk now about the --

MR. DROGIN: Judge, may I ask a question just for clarification?

THE COURT: Yes.

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MR. DROGIN: One of, one of the things that happened during the deposition that to some extent confound, confounded us, was the, we went off the record each time the witness was showed a document, irrespective of how long or short the document was. We actually looked into the issue as to whether there's any case law on that and I would propose that since it is such a time killer that if counsel wants to show Mr. De Niro a document that we remain on the record.

THE COURT: Well, normally the witness is given a chance to take a look at the document, to read the document, and normally, in my experience, it does stay on the record. Now it could be that there's a tape recording or something very long where you agree to take a break. The other thing plaintiffs could think about is if there are particular documents you want to show Mr. De Niro, you could show it to him in advance and then maybe it will be less time for him to, to answer questions about those documents. But normally, normally that time is included except, you know, with certain, certain exceptions within reason. So I would just ask the parties to be reasonable and flexible on this issue depending, you know, I don't

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know what, if it's going to be tape recordings that are going to be played, if it's going to be long documents, what have you, so.

MR. SANFORD: Well, Your Honor, if I may, this is David Sanford, we started out not doing that but there were I think some issues with Mr. De Niro's ability to bring up the document and there were some delays, and we were concerned that, you know, our time was going to be used in part by, you know, that kind of issue.

THE COURT: Right, and I appreciate that because we're in the Covid world with technology and so the fact that there's technology snafus shouldn't count against one party or another. I think both, that's a rule that both sides should agree to and that's fair. So when I say be reasonable, you know, but, again, it may make sense for plaintiff to send the exhibits in advance and just have hard copies. You can also have, you can send them in a sealed envelope and defense counsel can open the envelope on Zoom if that's how you want to do it. So there are a number of ways you can avoid technical issues while still, you know, preserving your time and preserving some of the whatever surprise or strategy you want to retain in connection with a deposition.

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MR. SANFORD: We will certainly consider that,
Your Honor, thank you.

THE COURT: Okay, so let's talk next about
this mental examination of plaintiff. The -- the
defense has identified someone to examine the
plaintiff and when would such an examination take
place?

MR. BENNETT: Your Honor, I can deal with that
unless you're --

THE COURT: Sure, I want to hear first from
the defense and then I'm going to hear from plaintiff.

MR. BENNETT: The defendants have identified
and retained Dr. Kimberly Resnick as an expert witness
in the area of psychiatry. She has estimated, per our
motion papers, that she can complete her examination
and report within 25 days of the Court's order
allowing the defendant to proceed. We thought that was
a reasonable time period compared to the time period
that the plaintiff had, as well, to complete that
examination.

THE COURT: But why eight hours, that seems a
pretty long time, that's what the doctor said was
required?

MR. BENNETT: Yes, Your Honor, I'm really

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deferring to her expertise in this, she submitted a declaration in support of our motion finding that eight hours was reasonable. Of course, whatever Your Honor deems reasonable is what we'll take, so to speak.

THE COURT: Okay, so let me ask plaintiff, there's no, there's not really any case law that you cited from within the Second Circuit that was binding saying that this, such an exam is not appropriate. You have expert witnesses on psychiatry, it's pretty typical in personal injury cases to have an IME after the plaintiff files an expert report. So this doesn't seem out of the ordinary, why, what case would you have me rely on that this shouldn't be granted?

MS. HARWIN: Well, you know, it certainly is out of the ordinary in the context of employment discrimination cases, and this is simply not a common practice in this kind of case. And also --

THE COURT: But here most of her injury is emotional, is that not correct?

MS. HARWIN: Well she has economic injury, as well --

THE COURT: Sure, but the greater amount is associated with emotional, is that not correct?

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MS. HARWIN: You know, I don't know that I would quantify it in that way, I mean ultimately it's going to be a jury's determination as to the allocation of damages, but there are very significant economic damages in this case with the economic expert calculating economic damages up to \$9 million. So, you know, it is not the case that the emotional distress damages sought are \$12 million.

And it's ultimately defendant's burden to show good cause and good cause has not been established here. There's nothing, you know, in the cases that defendants cite it's typically where there's a paucity of information as to a plaintiff's mental state. Here we've produced complete, or here defendants have access to plaintiff's full medical history, all of her primary care records, all of our mental health treatment records for years, and defendants don't identify why that is insufficient, they don't even proffer that their expert has attempted to review those materials. And so there's no explanation as to what specifically would be adduced from a compulsory mental examination that isn't already identified in the extensive records that have been produced as well as --

THE COURT: Let me stop you for a second.

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MS. HARWIN: Sure.

THE COURT: Frequently, experts would be attacked, cross examined, for not having examined the patient, are you willing to stipulate that you would not use that as a basis for challenging any of the opinions of the defendants' expert, that she wasn't, she wasn't, she didn't examine the plaintiff?

MS. HARWIN: Well and expert's opinions need to be well rounded and so, you know, if an expert goes beyond what they could reasonably opine --

THE COURT: That's not my question, are you willing to stipulate that you will not make any suggestion or challenge to the expert's opinion because she did not examine the plaintiff, that's my question, are you willing to stipulate to that?

MS. HARWIN: I, the reason I began there is that there's certain things that an expert, you know, presumably can't do without an examination. She can't proffer an independent diagnosis, for instance. And so if the expert were to overstep and do something like that we would want the ability to challenge if the expert does something like that, I don't anticipate that being the case --

THE COURT: What do you mean, you're saying the expert couldn't say the patient, in the expert's opinion the

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patient does not have PTSD, something like that? Because it's --

MS. HARWIN: No.

THE COURT: It's not uncommon for an expert in personal injury cases to say, hey, this back surgery was unnecessary, it didn't need to even happen.

MS. HARWIN: That's not what I'm saying. So, you know, the expert could challenge the opinion presented by plaintiff's treating physician or the expert psychiatrist, but if, for instance, the expert were to, you know, instead opine that plaintiff has X, Y or Z condition instead, that's something that, you know, would be my understanding, based on the medical profession, would be beyond what an expert could do. But, again, as I said, I don't anticipate that being the case here, I would think that the nature of the expert's opinion will be along the lines of what you just described which is trying to challenge a diagnosis proffered by someone else. And that we wouldn't, the absence of an examination in our, we wouldn't challenge that type of expert opinion based on the absence of an examination.

THE COURT: Okay, but that still doesn't answer my question about the stipulation.

MS. HARWIN: So as long as the expert isn't proffering an independent separate diagnosis, we would have

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no challenge based on the absence of an examination.

So if the plaintiff is willing to stipulate --

MR. BENNETT: Your Honor, if I could just add a couple of points --

THE COURT: Yes.

MR. BENNETT: I don't mean to waste the Court's time. From the filing of this complaint in October of 2019 until today, nothing about this case is ordinary, nothing. This is not a run of the mill employment dispute, and plaintiff's counsel has prosecuted it as such. So whatever cases that plaintiff's counsel has cited to in response to our letter or, excuse me, or formal motion, really isn't on point. This is, I think we're looking at it through the lens of is Ms. Robinson asserting garden variety pain and suffering, emotional distress damages, or not. She's clearly not, she's asserting, she's seeking damages for anxiety, nervousness, sleep --

THE COURT: Sure, there's no question she's not, she's seeking more than garden variety, that's absolutely clear.

MR. BENNETT: All we're looking for, all the defendants are looking for is to play on a level field with plaintiff. The plaintiff has an expert. The plaintiff's

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expert had the ability and did interview Ms. Robinson before preparing a very comprehensive and lengthy report --

THE COURT: You mean a non, a non-treating expert.

MR. BENNETT: Correct, that's correct, yes.

THE COURT: And that non-treating doctor did examine the plaintiff.

MR. BENNETT: Correct, yes.

THE COURT: Once.

MR. BENNETT: One that they retained --

THE COURT: A consultative exam.

MR. BENNETT: (continuing) -- especially for this litigation, yes.

THE COURT: Okay, and so you're saying in fairness you should have, your expert should have a consultative exam.

MR. BENNETT: Number one, yes --

THE COURT: Okay.

MR. BENNETT: But, more importantly, and, again, I'm really deferring to the qualifications and the expertise of Dr. Resnick who we've retained, she told me at the outset of consultations with her she won't issue a report unless she can examine somebody because she will be, her opinions will not be solvent.

THE COURT: Okay.

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MR. BENNETT: And that's an expert. I mean we're looking for something that will, an opinion that is within a reasonable degree of medical certainty and without the examination from what Dr. Resnick has told us, she can't offer that.

THE COURT: Okay, I will take this under advisement and I will issue a decision in short order. And I, I'll address whatever timeline is appropriate as applicable.

MR. BENNETT: Thank you.

THE COURT: Okay, are there other issues that plaintiff wanted to raise today?

MR. SANFORD: Yes, Your Honor, this is David Sanford. I understand the Court's order regarding the lines of questioning having to do with marital issues, and family issues, and alcoholism, and so on, you've made that clear. There are a couple of questions, however, Your Honor, that don't fall in those categories and I just was hoping to get guidance from the Court today so that we don't have issues in the continued deposition with respect to a couple of questions that Mr. De Niro was directed not to answer and did not answer but where those questions don't fall under the categories you listed.

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2 THE COURT: Okay, well what are those
3 questions?

4 MR. SANFORD: One question has to do with his
5 approximate net worth, he --

6 THE COURT: I'm sorry, I didn't, you cut out
7 for a second.

8 MR. SANFORD: Yeah, one question has to do
9 with the approximate net worth of Mr. De Niro, he
10 refused to answer saying it was none of my business,
11 and it is important to understand that for purposes of
12 punitive damages.

13 THE COURT: Well can the, can the parties just
14 enter into a stipulation on that?

15 MR. SANFORD: We certainly can if, if opposing
16 counsel is willing to do that?

17 MR. DROGIN: You know, it assumes that he can
18 approximate that number.

19 THE COURT: Well most, most people can, I mean
20 you look at your bank account, your stock portfolio,
21 property that you own and any debts that you have and
22 you make an approximation.

23 MR. SANFORD: Your Honor, Your Honor --

24 MR. DROGIN: I guess really it would be framed
25 as a yes or no question, so if the answer is no I

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cannot we're done with that line of questioning. That information, you can probably Google that and find a lot of different authorities on it that may be more accurate than he, himself.

MR. SANFORD: Your Honor --

THE COURT: Look, if this is, a net worth is relevant to punitive damages and it seems to me that there's no point in asking these questions in, in a deposition, you can just, you can just make a stipulation as to this. Or if you don't want to say exactly, you can say it's in excess of \$50 million or whatever it is, because any, you know, above a certain amount it really doesn't matter, you know, I don't think plaintiff really needs to have it to the last penny, we're talking about scales, right, this is not somebody who is, who is poverty stricken, we know that, he's a movie star. So I think that you can have, you can have, you can also stipulate to a range, but that's, that's not something that a jury is really going to hear a lot about, they're going to hear one question or one statement, you know, his net worth is over \$25 million, whatever it is, that's it, it's one point.

MR. SANFORD: Your Honor, if I may, I gave him

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many opportunities to respond because there are reports that his net worth is about \$500 million --

THE COURT: Okay.

MR. SANFORD: But he wouldn't say yes to that and he wouldn't say anything about 400 or 300 or 200 or 100, I think he admitted just that having it be over \$10 million, but that's really inadequate and cagey when there are reports saying that he is worth upwards of a half a billion dollars. So I do think it's important --

THE COURT: Well is he on the Forbes list?

MR. BENNETT: He did answer those questions, I believe his answer was I wish actually in response to half a billion.

THE COURT: Okay, yes, I think half a billion sounds pretty high frankly, but I'm sure his accountant has and, you know, his personal wealth is different from the entity wealth, so I am going to direct that there be no more questions on this and the parties meet and confer about a stipulation. I mean this is, this is just basic information.

MR. SANFORD: I'm happy to meet and confer, Your Honor, and hopefully get that stipulation and if we do that, you won't hear from us again on this

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point.

THE COURT: Good.

MR. SANFORD: But if we don't, we'll be back to the Court seeking relief.

THE COURT: Okay. Anything further on plaintiff's side?

MR. SANFORD: Yes, Your Honor, there is one other issue. I think all the other questions probably fall within the categories you listed except for one, and that is my question, and I apologize in advance for using this word, but I asked Mr. De Niro whether he called any women a cunt, C-U-N-T, and he said it's none of my business. It actually is relevant because it goes to credibility because there is an issue about his use of that word, and it goes to the gender claims that we have.

THE COURT: Well, it would be, it would be -- what would be relevant is whether he used that term toward women he worked with or worked for, or worked for him. I mean in his private life if he might have used that or what have you, I don't know that that's, you know, that relevant.

MR. SANFORD: Right, there is an allegation --

THE COURT: Or the context in which it was

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used, you know, so I think the question would need to be tailored specifically to whether he used that term toward or when referring to employees.

MR. SANFORD: Right, and there is an allegation in the case and testimony about that with respect to an employee.

THE COURT: Okay, so just, just focus the question, yes.

MS. HARWIN: Actually, the allegation in the complaint is with respect to a business partner, not an employee.

MR. SANFORD: A partner, that's right, someone, someone --

THE COURT: Well so why is that relevant if it's a business partner, not an employee?

MR. SANFORD: Because it's used, because it's used in the context of communications with our client and it goes to gender hostility, which is very much front and center of this case.

MR. BENNETT: Your Honor --

THE COURT: Look, I'll allow the question. I'm going to allow the question, he's got to answer the question, he either used it or he didn't use it and you can make whatever arguments you want. I mean, you

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know, I'm sure, I'm confident I know what you're going to argue if he used, if he did use that term, so he used the term, that doesn't really reflect his, his attitude all the time. So, you know, people use bad words, that doesn't necessarily reflect their behavior, that's the argument, okay, I understand what you're going to argue and I understand what the plaintiff is going to argue, that not everybody uses those words and that reflects something about their motivation and the jury can decide or the Court can decide. The Court can decide whether it's a stray remark or not, whether it's, you know, so but he has to answer the question if it's specifically related to a question concerning plaintiff and so I'll allow that one, one question.

MR. SANFORD: Thank you, Your Honor.

MR. DROGIN: Your Honor, the question was actually answered. It's on page 132 of the transcript.

THE COURT: Well if it was answered then it's not going to be asked again, I'm sorry.

MR. DROGIN: The question was, "Question: And at times you described Ms. Rosenthal as a cunt to Ms. Robinson? Answer: No. No, I have never done that. I

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2 would never, ever, ever say anything like that to
3 Chase Robinson, never, ever, that's the kind of thing
4 she would want to hear me say, that's in her mind,
5 that's an illusion, never, ever would I do that."

6 THE COURT: So the question was, so the
7 question was answered, was asked and answered.

8 MR. SANFORD: Well --

9 MR. DROGIN: It went on, there were two more
10 questions about it. He was then asked, "Well, did you
11 call Ms. Rosenthal a cunt to anyone else besides Ms.
12 Robinson? Answer: No, no, no, no, no. Question:
13 Have you called any other woman a cunt? Answer:
14 That's none of your business." So the question that
15 he said that's none of your business to was exactly
16 what the Court said, it was open ended to any other
17 woman.

18 THE COURT: Well it seems that this issue has
19 been covered, I'm not going to allow any more
20 questions on this given the clarification about, about
21 this and the direct (inaudible) to this particular
22 line of questions.

23 MR. DROGIN: Thank you.

24 MR. SANFORD: All right, just to be clear,
25 Your Honor, when you said particular line of

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questions, is that with respect to his use of
adjectives with respect to women in other contexts or
other terms or --

THE COURT: You asked me if you could have a
question about use of this particular word in the
context of employees and this conversation with a
business partner, and now I've been directed to the
specific portion of the transcript where that question
was asked and some, a little more questions, no
further questions on that and the use of that word.

MR. SANFORD: Thank you, Your Honor.

THE COURT: Anything further on plaintiff's --

MS. HARWIN: Yes.

MR. DROGIN: Just --

THE COURT: Hold on, I'm going to get to
plaintiffs and then you'll have your turn.

MS. HARWIN: So, you know, obviously Your
Honor has addressed a number of discovery issues.
Another, I just wanted to flag for the Court that
there are a handful of issues that we're still in the
process of meeting and conferring with defendants about.
One key issue arose during the Rule 30(b)(6) depositions
that were held which was that Canal's designated witnesses
were unable to testify on a host of designated topics,

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including aspects of Canal's investigation, the substance of its claims, it's policies and procedures and its communications with the Manhattan District Attorney's Office. And so that is something that we're working with defendant's counsel to try to get answers to questions without the need for Court intervention but I just wanted clarify for the Court that that's an ongoing --

THE COURT: Well who was deposed about the investigation, wasn't that the accountant?

MS. HARWIN: Yes, it was.

THE COURT: And so the accountant didn't know what he or she did?

MS. HARWIN: Well the accountant was not involved and disclaimed involvement in the investigation and disclaimed knowledge of what was done to investigate. The accountant was unequivocal that the accountants did not initiate a review or review of Canal's records which was the claim in Canal's counterclaims and claimed to have very limited involvement limited to --

THE COURT: Okay.

MS. HARWIN: (continuing) -- sending some emails.

THE COURT: And what policies and procedures don't you know about?

MS. HARWIN: Well, for instance, Canal designated

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the accountant as the Rule 30(b)(6) witness concerning discrimination policies. He said he had no knowledge of the discrimination policies at all, couldn't even recognize the policy that existed when presented with it. And so --

THE COURT: But wasn't your client kind of the head person for Canal, she was head of finance?

MS. HARWIN: Well our client, at the end of her employment, had the title of VP of production and finance, her role was --

THE COURT: And finance. And wasn't she also hiring people or supervising people?

MR. BENNETT: Yes.

MS. HARWIN: She was involved in the hiring of individuals but the bottom line is she had discrimination complaints and we're entitled to --

THE COURT: Sure --

MS. HARWIN: (continuing) -- testimony about the policies.

THE COURT: There's no question, there's no question but if, in fact, she was the one who has the most knowledge about the policies, who do you think would have more policies? In a small company if there's just, you know, a handful of employees, sometimes there's not a formal handbook or a formal policy or process. I don't know if

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there's a board, I don't know how it's, how this entity is structured, but it's not unusual for a very small company not to have, I mean it's not, for obvious reasons, it's not going to be built out like a Citibank or Bank of America, I mean they don't have, they're not going to have that kind of HR apparatus, right? So --

MS. HARWIN: That's certainly the case.

THE COURT: So the question is, you know, who's the, who's the right person. Maybe it is Mr. De Niro, to ask about that?

MS. HARWIN: That's ultimately up to Canal to designate the witness. But ultimately these were not questions posed to the accountant as a fact witness, they were posed as a 30(b)(6) witness.

THE COURT: Right.

MS. HARWIN: And so a 30(b)(6) witness who comes in without having any knowledge at all has an obligation to interview people, to review documents and prepare.

THE COURT: Yes.

MS. HARWIN: And they simply didn't do that.

THE COURT: That is correct, okay.

MS. HARWIN: And this was their choice, they could have designated, for instance, their external general counsel who's in the room here, they didn't do that, they

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designated the accountant as to the investigation, which again he disclaimed involvement with and as to policies and procedures which he disclaimed knowledge of. You know, in addition, questions were posed concerning the policies as to overtime that existed, again, didn't know, you know, was there a policy of not paying overtime prior to this year, had no idea. And so this was, I mean a recurrent problem --

THE COURT: Well, a 30(b)(6) deposition is designed to avoid this, a party getting a runaround and not getting answers to basic questions, that's the whole purpose of Rule 30(b)(6). And so the company is required to prepare that witness and those witnesses are required to answer those questions and they're going to be binding on the company. So if you don't have answers on some basic things, I mean if the answer with the policies and procedures were there really weren't formal ones, okay, so then that's the answer.

MS. HARWIN: Right.

THE COURT: There's nothing more, there is nothing more to say about it.

MS. HARWIN: Right.

THE COURT: But you're entitled to get some answers on that.

MS. HARWIN: And similar, Your Honor, with

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respect to another 30(b)(6) topic had to do with, you know, the specific transactions, expenses, et cetera, that are at issue in defendants' complaints against Ms. Robinson. And we were unable to get the most basic information about what are the transactions that are at issue in the claims. For instance, there's a claim about fraud with respect to the claiming of vacation days, well what are the days that Canal contends she was on vacation and that wasn't answered.

With respect to claims about, they claim that flowers were improperly charged. Well what were the stores you claim that they were charged at, what is the amount that you claim was charged.

THE COURT: Well I thought there was a forensic, what's --

MS. HARWIN: There was no forensic accounting.

THE COURT: Let me ask defendant, what, was there some forensic accounting, isn't there some report that says this many, this is what we estimate the vacation days, even if you can't get it exactly based on, you know, these emails or whatever, isn't there some report like that?

MS. HARWIN: No, Your Honor, there is not.

MR. BENNETT: Your Honor, whenever you're

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ready --

THE COURT: I'd like to hear from defendant.

MR. BENNETT: There is no formal forensic accounting that was performed, it's before Canal commenced its action against Ms. Robinson in the State Court in August of 2019.

THE COURT: Okay.

MR. BENNETT: However, going back at least a year, perhaps a year and a half ago, the plaintiff served us with a set of interrogatories designed for us to identify, essentially contention interrogatories. They wanted us to identify every single vacation day that served as the basis for the Canal case, every single flower order that was unauthorized, et cetera, et cetera, and there are a lot of details and minutia that served as the basis for Canal's State Court action against, against, Ms. Robinson.

THE COURT: Um-hmm.

MR. BENNETT: So at the time we said that's improper, with all due respect, we'll revisit this issue after depositions have been conducted. Fast forward to depositions at the 30(b)(6), and there were two 30(b)(6) deponents because there were five different

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categories, attorney Harvey here was one of the witnesses, and Mr. Tash (phonetic) from Burden was the second witness. It's unrealistic to think, and I say this cognizant that a 30(b)(6) representative must be prepared to testify as to the topics --

THE COURT: Yes.

MR. BENNETT: But for them to come in and say these 27 categories from the 400 pages of Amex statements that we produced already in discovery form the basis.

THE COURT: Sure, it's not a memory contest.

MR. BENNETT: Right.

THE COURT: It's not a memory contest and if there is not a specific report but rather there's expense reports that have been produced and highlighted. I mean, look, an employer's not, not -- even if there was more instances of alleged theft, there really only needs to be one as a basis to fire somebody if that's, if there's a loss of trust in that. So to the extent, to the extent the action was taken, well I guess Ms. Robinson resigned, but to the extent, to the extent there was, you know, a couple of items that were significant and that was the basis and you know what that, for bringing the suit, and you can

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identify that, and if you at that time didn't identify every other one, then that's what the witness can say. But at the same time, if subsequent -- so you must know what transactions were the basis for bringing that suit --

MR. BENNETT: Yes.

THE COURT: I mean I assume there were some.

MR. BENNETT: Your Honor, yes --

THE COURT: Let me hear from the defendant first.

MR. BENNETT: Thank you. The way we viewed it, both the contention interrogatories and the questions that were put to the witness during the 30(b)(6) depositions was they want a roadmap of every form of evidence that we have to support our claim.

THE COURT: They're entitled to, they're entitled to understand the basis for bringing that lawsuit and accusing her of theft.

MR. BENNETT: We understand that, Your Honor, we have produced all of the documents that Canal relied on --

THE COURT: But they're entitled to understand, to have you say she did this, this and this, there entitled to that. They don't have to go

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through the records and guess, you should know that, you brought the suit.

MR. BENNETT: And we do, but just taking as one example, we produced a document that I think is roughly 500 pages, it's a collection, compilation of American Express statements with various unauthorized transactions within those, within that compilation. Is Your Honor saying that we need to go through and identify every single specific basis that served as the grounds for commencing the Canal action or categorically can we identify the subject matters that are at the heart informed the basis.

THE COURT: You don't know, at this late date you don't know which transactions were at issue?

MR. BENNETT: We do know the transactions --

THE COURT: Well then point them out. Point them out, yes, of course. I mean this is basic information.

MS. HARWIN: Thank you, Your Honor --

MR. BENNETT: Judge --

MS. HARWIN: If I could just, you know, address that. I mean some of the questions were as simple as, you know, here's a highlighted spreadsheet, are the ones highlighted in pink the items that you

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claim are improperly charged for this and there was no answer provided.

THE COURT: Well there has to be, look, at the time that you brought the lawsuit you were aware of certain transactions, you have to identify what those transactions were. Those specific transactions. And if you found more later, fine, you can say you found more later and it only, it only, you know, increased our concern. That's fine. That's fine, you don't have to know all of the information when you bring the lawsuit, if you have a colorable basis for it, but the plaintiff is entitled to know what transactions you're basing it on. I mean this is, at this point in the lawsuit they should have this explanation.

MR. DROGIN: Your Honor --

MS. HARWIN: If I could just quickly, and I will certainly give you the opportunity to address, but during the 30(b)(6) deposition, for instance, I mean they could not provide even the most basic range of the claimed charges. For instance, you know, a question as to whether, whether the claim is that Ms. Robinson improperly charged hundreds of thousands of dollars on this credit card or \$60,000, no answer --

THE COURT: Well that also needs to be, that also

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need, I mean if you, if you, if it turns out you were wrong and the number is \$10,000 more or less or whatever, okay, so I mean that's the point of discovery, plaintiff can say you're wrong about this particular charge and the number is really \$50,000. I mean, you know, that's, sometimes people don't always get everything, all the math right or all the transactions right, but the plaintiff is entitled to certainly know and say, hey, this is, this was proper.

MR. DROGIN: Judge, this part of the conversation began with counsel saying that we're working on this and that there's nothing being presented to the Court right now --

THE COURT: Okay.

MR. DROGIN: Because we are working on this and we've actually proposed solutions to get them the information.

THE COURT: Well what's taken so long, I don't really get it?

MR. DROGIN: The 30(b)(6) witnesses were just recently deposed, so we've already been in touch with them about going through the areas where they feel the answers were deficient and formulating a way to get them the information. But it should not be lost and Mr. Bennet was not exaggerating that we are deep, deep, deep into the weeds

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here. And to be very, very clear, the allegations relating to this lawsuit indisputably she had cash, she had gift cards and she had property. We asked for them back. They were given back to us by van or truck --

THE COURT: I understand that.

MR. DROGIN: So when we're talking about line items for flowers, let's not forget she still has the Sky Miles, we still don't have them back. So we can talk about flowers all we want, but there's, there's a circus full of elephants in the room.

THE COURT: Fine but, for example, at the very least you could have some report by someone that says here's a stack of the Amex bills, every highlighted transaction is improper in our view.

MR. DROGIN: That's what was done. That's what was done.

THE COURT: Well I'm hearing from plaintiff's counsel that wasn't done.

MR. DROGIN: Then they need to check, they need to check the highlights on the Amex statement. And they asked another witness who was not a 30(b)(6) witness just that question. And they tallied it up and they said this is the exact amount that's highlighted, is that where you go that number?

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THE COURT: Well so do you have the information or do you not have the information?

MS. HARWIN: We don't have the information from Canal as its 30(b)(6) witness as to what these --

THE COURT: Do you have the, do you have it from a knowledgeable witness?

MS. HARWIN: I don't believe we do.

MR. DROGIN: We'll work with them, Judge.

THE COURT: Okay, so I, meet and confer on this because the fact that it's not a 30(b)(6) witness but it's a knowledgeable fact witness who went through it and can testify, you know, that's fine, then you have the information.

MS. HARWIN: And we, there was testimony by one person who was involved and this raises an issue that I think it would be helpful to have the Court's guidance on which has to do with privilege issues. You know, Canal had a fact witness who testified that in coming up with these numbers they were just, you know, three idiots in front of a computer, I believe that was the term he used, they were just tabulating numbers and they weren't making any conclusion that there was any wrongdoing. And then we deposed the accountant who said likewise, they made no conclusion

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as to wrongdoing, and then the question then comes to well, you know, did anyone make any, you know, investigate to determine whether these charges were authorized or not --

THE COURT: I've already seen documents that there was some collection of information prior to the lawsuit. There was an investigation that employees were involved in. Whether it looked like, whether it looked like what an investigation in your mind should look like, you know, is another question. Again, this a small organization but I've already seen documents showing that employees were forwarding emails --

MS. HARWIN: Yes, Your Honor.

THE COURT: And there was, there was a collection of information to ascertain what happened.

MS. HARWIN: Well let me be clear because I think perhaps I was imprecise, what I'm describing is that the employees tabulated expenses but reached no conclusion as to whether the charges were proper or improper, they just tabulated here's the number of Ubers that are on this credit card. And then the accountant said likewise, they didn't reach any determination as to whether they were authorized or not, they actually disclaimed any involvement in even

1 the tabulation.

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3 And then, so then the question arises as to
4 what did Canal actually do to investigate whether
5 these charges were proper or not, and then we're
6 running into objections on grounds of privilege. That
7 essentially the employees didn't do anything to
8 investigate whether the charges were proper or not,
9 the accountants didn't, and we're told that the lawyer
10 for Canal was involved in doing this. But this leaves
11 us with, you know, no information as to what was done
12 to ascertain whether the charges were proper or not.

13 THE COURT: Well to the extent the lawyer is
14 acting as a fact witness, as a fact investigator, and
15 is making conclusions as to what the investigation
16 results and that is a basis for a claim, there is no,
17 there is not going to be a privilege that protects
18 that. The privilege is waived or other Courts say
19 that it's not subject to a privilege. So, you know,
20 you can look back at the *Pray* case, which I'm
21 intimately familiar with and that's one of the early
22 decisions about investigations.

23 And so, look, if that's what happened, then
24 you're going to have to straighten that out, but
25 discovery is coming to an end here. I mean this is,

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somebody made a conclusion based on, you know, the information. If the conclusion was we know there were Sky Miles taken, we know there was property taken and that's the basis of the suit, and since then we've found more, then that's the basis. I mean I have no idea what you're going to say but you certainly know why you acted, what the basis of the lawsuit was and plaintiff is entitled to understand the factual basis supporting the claims. And entitled to evaluate and discovery so that she can rebut them possibly.

MS. HARWIN: Thank you, Your Honor.

MR. DROGIN: No one, no one is contesting that. There are privilege issues here and it, it's not always black and white and we're trying to navigate through them. You know, for example, when we asked Ms. Robinson why didn't you return this property sooner, she invoked the attorney-client privilege, that's what that whole --

THE COURT: That's a different, that's a different, that's a different issue than the aspects of an investigation that might be, that might privileged.

MR. DROGIN: It is, but it's one of the privilege issues that I'm saying that these are not,

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they're not clear cut.

THE COURT: Well I've issued some opinions on this, the case law is pretty clear on if you're using an investigation, if you conducted an investigation and made conclusions based on the investigation and that's the basis of a claim, that you're supporting a claim, that's not privileged, the plaintiff's entitled to that information.

MR. DROGIN: I'm not contesting that and I understand the *Pray* decision well, I'm simply highlighting for the Court that privilege is an issue that we've run into in this case and we're trying to navigate it.

THE COURT: Yes, you and a lot of other litigants in a lot of other cases. Okay, anything else?

MS. HARWIN: I think, I just want to flag a scheduling issue which I understand Mr. Bennet will, I'm happy to pass it over to you if you want to address it.

THE COURT: Okay?

MR. BENNETT: Okay, thank you. Three quick issues, Your Honor, the Court has certainly been tolerant with respect to scheduling issues and I don't

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mean to push the Court's patience any further than necessary. The first is really just an FYI, counsel and I are working with respect to, as the Court is aware the plaintiff produced more than 100 audio recordings, we had a dispute and it remains open as of right now but it seems likely that we're going to resolve it with respect to authentication of recordings. That's number one. It's possible to the extent we can't work it out the Court may hear from us, but I think, I'm optimistic we will, okay.

Number two, the scheduling issue that Ms. Harwin referred to is with respect to our, the defendants' expert witness in the area of vocational evaluation. It has been exceedingly different and I'm personally dealing with it, to schedule, to find time for our witness to be available for a deposition. He is very busy, he has a national practice, he's throughout the country. We are working very hard to, we've obtain three dates in May, I presented them to Ms. Harwin before this morning's conference, we will schedule it as soon as possible. The deadline right now is April 30th, so I wanted to bring it to the Court's attention. We're not --

THE COURT: Okay, so are the dates in May, is one of the dates acceptable to both sides?

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MS. HARWIN: Unfortunately, I had to (inaudible) my phone to the, to get into the courtroom, so I haven't been able to confirm since getting those dates this morning, but I anticipate that one of those dates should work.

THE COURT: So I can extend the deadline so that that deposition can be taken in May.

MS. HARWIN: Thank you.

MR. BENNETT: Of the three dates the outlier is the 26th of May.

THE COURT: Okay.

MR. BENNETT: And then the third is really an FYI as well, we alerted the Court quite a while ago to a third party subpoena that we served on an entity called Neighborhood Defender Service, we were seeking certain documents in connection with that entity's representation of Ms. Robinson in response to the investigation by the D.A. They served some, one category of documents in response to I think five or six. We are going to follow up with them because we think that production is deficient. It's our hope to resolve it without bothering the Court, but it is possible we may need to bring that dispute to your attention.

THE COURT: There was no indictment, right?

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MR. BENNETT: No, the Court is correct.

THE COURT: So there was an investigation, an internal investigation by the D.A. --

MR. BENNETT: Yes.

THE COURT: And no presentation to the grand jury.

MR. BENNETT: Correct.

THE COURT: So, okay, and so the defense lawyer is going to have mostly privileged documents except --

MR. BENNETT: We are certainly not looking for that, the organization has produced communications between itself and the D.A.'s investigator.

THE COURT: Okay.

MR. BENNETT: What we are looking for are some other documents that we think still are relevant. One is, and it still is odd to us that it wasn't produced, the mission statement for the organization. This is a not for profit organization and --

THE COURT: Why is that relevant to this case?

MR. BENNETT: From what we understand, Ms. Robinson was not really within what's called the catchment area of this organization --

THE COURT: So what? So what?

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MR. BENNETT: Well there is a connection --

THE COURT: She's entitled to a, she's entitled to get a lawyer, if that organization said, oh, we'll, we'll allow it, so what, what does, how does that, how is that material to the main issues in this case?

MR. BENNETT: Your Honor, there is a connection between the plaintiff's legal counsel in this case and that organization. That is one of the reasons we wanted to look into it.

THE COURT: Again, so what?

MR. BENNETT: I think it goes to credibility with respect to Ms. Robinson's retention of a not for profit organization to defend her in response to a criminal investigation when she had resources allegedly to maintain, retain her own separate private counsel.

THE COURT: How is that issue ever going to be presented to a jury, how does that bear on any of the claims? And I don't understand how that bears on, on the plaintiff's credibility either. So what, so she, so she's friends with an attorney or an attorney referred another attorney, she made, so what, she has attorneys?

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MR. BENNETT: Well this is the problem, Your Honor, with due respect, with these issue, where we get so far afield that sometimes sight is lost. The only question here --

THE COURT: The sight would be lost in pursuing discovery about why she hired this, this Bronx Defenders, who cares really?

MR. BENNETT: I just want you to understand the stream here and how we've wound up here. The entire allegation relating to the District Attorney's Office is that Canal and Mr. De Niro went to the District Attorney's Office in retaliation for her bringing this lawsuit.

THE COURT: I understand, and you say, no, you went there because you believe she stole.

MR. BENNETT: Not only that, we went there and we produced documentation --

THE COURT: Fine.

MR. BENNETT: (continuing) -- that the communications with the D.A.'s Office --

THE COURT: Right.

MR. BENNETT: (continuing) -- were before the lawsuit was started.

THE COURT: Okay.

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MR. BENNETT: So the theory is caput.

THE COURT: Well, this, this is, this is a discovery conference, these are arguments that will be made later in the case, right, you each will make your own, your own arguments on that. But the details of why a particular counsel was retained is really not, not so relevant to the case. I mean this is, both sides have been somewhat scorched earth in this case, and you need to dial it back and just finish getting to the core issues.

MR. BENNETT: But is it also relevant then, as counsel proposes to do, to ask Mr. De Niro about his communications with the District Attorney's Office, who was there at the meeting, what were you wearing, what did you eat for breakfast that day --

THE COURT: What you were wearing, what you ate for breakfast, no, of course not. But what information did you provide, sure, that's relevant because she's entitled to know what information was provided for, regarding the suspected theft. I'm sure there was certain information.

MR. BENNETT: Documentation or verbal statements?

THE COURT: Either, either is, what, you know,

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because he may have provided context, you know, these are my Sky Miles, this is why I think she stole the Sky Miles.

MR. BENNETT: Very well.

THE COURT: That's just the factual presentation made to the D.A. so the D.A. could then decide is this a criminal matter or not.

MR. BENNETT: Understood. For us it was a fairly novel issue as to whether you bring something to the D.A.'s office, whether or not there's any sort of privilege that might attach to those communications --

THE COURT: I don't see why there's a privilege, I mean it's not grand jury.

MR. BENNETT: We couldn't find one either.

THE COURT: No, there's not a privilege.

MS. HARWIN: Your Honor, if I could just raise one final issue which is just a plea for compliance with this Court's rules. One of the things that we've encountered and the reason I think there's been such a flurry of filings is that defendants have repeatedly chosen to file letter motions with the Court without meeting and conferring with plaintiff. This is something that occurred with respect to the Rule 35 request for an

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examination, with respect to their filing a letter motion concerning trying to prohibit the videotaping of Mr. De Niro's deposition and a whole host of other matters. You know, we, we diligently abide by the Court's rules, we don't raise issues with the Court without having a communication with defendants first, we don't present letter motions without conferring with defendants, and I would just ask the Court to enforce its own rules and direct defendants to comply.

THE COURT: Well both sides have caused the others agitation in this case. What I'm going to do is I'm going to set another conference because I don't want to have, I don't want to have any letter motions between now and the next conference, we can address issues at the next conference.

MS. HARWIN: Thank you, Your Honor.

THE COURT: Chris, is there a day maybe before I'm on criminal duty or the week of the 16th maybe? What about late in the day on the 18th at like 4? We may be done by like 4. I can give you 4:00 on May 18th.

MS. HARWIN: On May 18th?

THE COURT: Yes.

MS. HARWIN: I'm sorry, would someone mind

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telling me what day of the week that is?

THE COURT: It's a Wednesday.

MS. HARWIN: Thank you.

THE COURT: Okay, 4 p.m. in person, no letter motions between now and then, you can submit a three-page joint agenda letter by the 16th.

MS. HARWIN: Thank you, Your Honor.

THE COURT: If there's no reason to have the conference, you can let me know that, too, but somehow I suspect there will be.

Okay, is there anything further?

MR. BENNETT: No, Your Honor.

MS. HARWIN: Thank you, Your Honor.

THE COURT: All right, nice to see everybody.

MR. SANFORD: Thank you, Your Honor.

(Whereupon, the matter is adjourned.)

C E R T I F I C A T E

I, Carole Ludwig, certify that the foregoing transcript of proceedings in the case of Robinson v. De Niro et al, Docket #19-cv-09156-LJL-KHP, was prepared using digital transcription software and is a true and accurate record of the proceedings.

Signature Carole Ludwig

Carole Ludwig

Date: April 26, 2022